THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20263 OF 1999

05.07.2006

Between:

K.Ramakrishna, S/o.K.Lakshmana Murthy

… Petitioner

AND

The Inspector, Prohibition & Excise, Proddutur,
Kadapa District
And others

… Respondents

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WRIT PETITION No.20263 OF 1999

ORDER:

The petitioner is aggrieved by the order of the third respondent dated 15.3.1999 whereby and whereunder the order of the second respondent passed under Section 13(2) of A.P. Prohibition Act, 1995 (the Act, for brevity) confiscating the Bajaj M-80 Moped of the petitioner for contravening the provisions of Section 8(b) of the Act.

The petitioner claims to be a petty businessman dealing in rexin works. He is the owner of the Bajaj M-80 Moped bearing No.ADD 2639. On 28.12.1995, the Prohibition & Excise Inspector, Proddutur seized the petitioner's for transporting twenty (20) litres of Illicitly Distilled (ID) arrack in contravention of Section 8(b) of the Act. A case being Crime No.68/95-96 of Prohibition & Excise Station, Proddutur was registered and the vehicle was produced before the second respondent. The second respondent issued a show cause notice dated 01.11.1997 calling upon the petitioner to show cause as to why the vehicle should not be confiscated for violation of the provisions of the Act. Though the show cause notice was served, the petitioner did not submit any explanation. Therefore, having regard to the gravity of the situation, the second respondent passed orders on 27.2.1998 confiscating the petitioner's vehicle. Aggrieved by the same, the petitioner filed appeal under Section 13(c) of the Act.

Before the third respondent, it was argued that the petitioner gave lift to an unknown person carrying on a bag and that when the Excise officials searched his vehicle, the said person ran away throwing away the bag in which ID arrack was found. But the said contention was rejected by the third respondent. On perusal of the record, the third respondent came to the conclusion that the petitioner was caught red-handed procuring ID liquor from Harijanawada meant for sale for illegal gain. This finding is based on record and being the Court of judicial review, this Court cannot review the said finding.

The writ petition is devoid of merits and is, accordingly, dismissed.

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(**V.V.S.RAO, J**)

July 05, 2006
YS